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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/510,278 | 06/15/2005 | Benoit Coenraets | COENRAETS10 | 7553 |
| 1444 7550 09/10/2008 BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303 | | | | |
| EXAMINER | | | | |
| PUROL, DAVID M | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 3634 | | | | |
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| 09/10/2008 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/510,278

Applicant(s)

COENRAETS, BENOIT

Examiner

David M. Puroi

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4,6-9,11,12,14-23,25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruffner (U.S. Patent No. 6,035,253) in view of Stroup et al (U.S. Patent No. 3,090,427). Ruffner discloses a wall 15,16,20,21 with a set of doors comprising a first flexible door 12 having sealing elements 65,66,68,69, a second door 11 having a rigid bottom edge with the flexible door 12 at least partially being arranged between the second door 11 and the wall 15,16,20,21. While Ruffner does not disclose the use of guide strips, Stroup et al disclose a door with a rigid bottom edge comprising a guide strip 9 on the wall 1 and a guide strip 20 on bottom edge of the door 19, wherein, to incorporate this teaching into the door of Ruffner for the purpose of guiding and maintaining a sealing engagement with the set of doors would have been obvious to one of ordinary skill in the art.

2. Claim 10, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruffner (U.S. Patent No. 6,035,253) in view of Stroup et al (U.S. Patent No. 3,090,427) as applied to claims 1-4,6-9,11,12,14-23 above, and further in view of Church (U.S. Patent No. 4,141,403). While Ruffner does not disclose the use of a cylinder for a guide surface, Church discloses a door using a cylinder 44,45 as a guide surface, wherein, to incorporate this teaching into the wall with a set of doors of Ruffner, as modified by

Stroup et al, for its explicit purpose of guiding would have been obvious to one of ordinary skill in the art.

3. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ruffner (U.S. Patent No. 6,035,253) in view of Stroup et al (U.S. Patent No. 3,090,427) as applied to claims 1-4,6-9,11,12,14-23 above, and further in view of Horner et al (U.S. Patent No. 5,887,385). While Ruffner does not disclose guide tracks which are elastically or pivotably mounted to the wall, Horner et al disclose a door comprising guide tracks 20 which are elastically or pivotably mounted 48 to a wall, wherein, to incorporate this teaching into the wall with a set of doors of Ruffner, as modified by Stroup et al, for the purpose of accommodating the movement of the doors would have been obvious to one of ordinary skill in the art.

4. The applicant argues that Ruffner does not show or teach that the flexible door is supported against the bottom edge of the second door when this second door is in the open position for all embodiments of the set of doors represented in the drawings of Ruffner have a free space between the bottom edge of the rigid door and the flexible door, and further nor does Ruffner suggest that a seal is formed between the flexible door and the bottom edge of the rigid door. This is not convincing for it is the reference to Stroup et al which teaches the use of a guide strips which have the explicit purpose of contacting the door so as to provide a seal.

The applicant argues that Stroup does not disclose that the strip 9 on the wall and the strip 20 on the bottom edge of the door constitute a guide strip for these strips are resilient seal strips and since Stroup describes a door wherein the tracks of the door

are swung rearwardly on the initial opening of the door the seal strips 9 and 20 must avoid contacting any moving surface during the displacement of the door. Applicant's contention that the seal strips of Stroup must avoid contacting any moving surface is based upon conjecture for there is nothing to indicate that the seal strips cannot be in contact with a moving surface.

The applicant states that there is no suggestion or motivation to combine the disclosure of Stroup with that of Ruffner. This is not convincing for each of the references to Stroup and Ruffner are from the applicant's field of endeavor, wherein, the applicant is presumed to have full knowledge of the prior art in their respective field.

The applicant argues that Ruffner does not disclose the presence of a guide surface either on the wall above the bay or on the rigged bottom edge of the second door and that Stroup has only one door and does not have any guide surface for this door. One cannot show non-obviousness by attacking the references individually where as here the rejections are based on a combination of references.

All the claimed elements including a first flexible door, a second door with a rigid bottom edge, and seal strips which have an outer surface capable of providing the claimed functional recitation of guiding are known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

Applicant's arguments have been fully considered but they are not persuasive.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to David M. Purol whose telephone number is (571) 272-6833.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Katherine Mitchell, can be reached at (571) 272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**/David M Purol/
David M Purol
Primary Examiner
Art Unit 3634**